

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FLEETWOOD INDUSTRIES, INC.;

HERRE BROTHERS, INC.;

HEYCO METALS, INC.;

KIEF INDUSTRIES, INC.;

CHARLES KOENIG WHEEL ALIGNMENT

SERVICE AND GARAGE;

BRIAN R. SCHLAPPICH, INC.;

HUB FABRICATING COMPANY;

KACHEL MOTORS, INC.,

Defendants.

Case No. 00-CV-1818

(Judge Fullam)

**MOTION TO ENTER UNCHALLENGED CONSENT DECREE**

The United States of America, on behalf of the United States Environmental Protection Agency, respectfully moves this Court to sign and enter the proposed Partial Consent Decree between the United States and defendants Fleetwood Industries, Inc., Herre Brothers, Inc., Heyco Metals, Inc., Kief Industries, Inc., Charles Koenig Wheel Alignment Service and Garage, and Brian R. Schlappich, Inc. ("Settling Defendants"). The United States sets forth the following in support of this motion:

1. The United States filed a complaint and an amended complaint in this matter pursuant to Sections 106, 107(a) and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §§ 9606, 9607(a) and 9613.

2. On April 7, 2000, the United States lodged with the Court a proposed Consent Decree proposing to settle its claims against the Settling Defendants.<sup>y</sup>

3. Pursuant to 28 C.F.R. § 50.7, and as provided in Section II.5 of the proposed Consent Decree, on April 19, 2000, the United States published notice of the proposed Partial Consent Decree in the Federal Register and solicited public comments for thirty days. See 65 Fed. Reg. 21016 (2000). The public comment period has expired and no comments have been received.

4. The United States concludes that the proposed Consent Decree is fair, reasonable and in the public interest. See, e.g., United States v. Cannons Eng'g Corp., 899 F.2d 79, 84 (1<sup>st</sup> Cir. 1989).

For the above reasons, the United States respectfully requests that the Court now sign and enter the proposed Consent Decree. No order is attached to this motion because the proposed Consent Decree, on page 19, contains a signature block for the Court's execution.

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<sup>y</sup> This Consent Decree resolves the United States' claims against all defendants except Hub Fabricating Company and Kachel Motors, Inc. On June 20, 2000, the United States amended its complaint to add those two defendants and simultaneously lodged with this Court a second Consent Decree that would resolve the United States' claims against these defendants. That Decree remains subject to public notice and comment, and the United States anticipates moving for entry of that Decree in the future.

Respectfully submitted,

Dated: June 22, 2000



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Trial Attorney

Environmental Enforcement Section

United States Department of Justice

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AR000207

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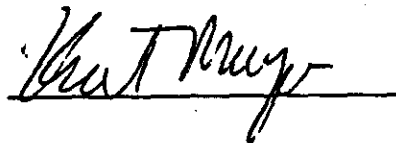
Defendants.

Case No. 00-CV-1818

(Judge Fullam)

**CERTIFICATE OF SERVICE**

I hereby certify that I caused copies of the United States's Motion to Enter Unchallenged Consent Decree by first class mail on June 22, 2000 to the parties listed on the attached "Service List."



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UNITED STATES OF AMERICA v. FLEETWOOD INDUSTRIES, INC., ET AL.  
Case No. 00-CV-1818 (E.D. Pa.)

SERVICE LIST

BRIAN R. SCHLAPPICH, INC.

Brett A. Huckabee, Esquire  
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FLEETWOOD INDUSTRIES, INC.

Robert Mervine, General Manager  
Fleetwood Industries, Inc.  
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Reading, PA 19606

CHARLES KOENIG WHEEL  
ALIGNMENT SERVICE AND GARAGE

Brett A. Huckabee, Esquire  
1136 Penn Avenue  
PO Box 6895  
Wyomissing, PA 19610

HEYCO METALS, INC.

Danny G. Eastman  
Heyco Metals, Inc.  
Executive Vice President  
1069 Stinson Drive  
Reading, PA 19605

KIEF INDUSTRIES, INC.

James W. Bentz  
DeSantis, DeSantis, Essig & Valeriano  
708 Centre Avenue  
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Reading, Pa 19612-4926

HIERRE BROTHERS, INC.

Steven E. Grubb, Esquire  
Goldberg, Katzman & Shipman, P.C.  
320 Market Street  
Strawberry Square  
Harrisburg, PA 17108

HUB FABRICATING COMPANY

Karen H. Cook, Esquire  
Golden, Masano, Bradley  
1100 Berkshire Boulevard, Suite 201  
Wyomissing, PA 19610

KACHEL MOTORS, INC.

Lee G. Kachel, President  
Kachel Motors, Inc.  
2400 Lancaster Pike  
P.O. Box 5  
Shillington, PA 19607

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